



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,740	12/28/1999	HONGJIANG SONG	INTL-0327-US	1399

7590 03/09/2004
TIMOTHY N TROP
TROP PRUNER HU & MILES P C
8554 KATY FREEWAY, STE 100
HOUSTON, TX 77024

EXAMINER

VO, DON NGUYEN

ART UNIT PAPER NUMBER

2631

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/473,740

Applicant(s)

SONG, HONGJIANG

Examiner

DON N VO

Art Unit

2631

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See ATTACHMENT.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DON N VO
Primary Examiner
Art Unit: 2631

Art Unit: 2631

ATTACHMENT

1. Applicant's arguments filed on 2/20/2004 have been fully considered but they are not persuasive.

On page 2 of the Response to the Final Office Action, applicant traverses to the rejections by arguing that the combination of the Applicant's Admitted Prior Art (AAPA) and Lang fails to teach or suggest "detecting whether incoming bits indicate a synchronization field during a buffering where this buffering accommodates a difference in rates between incoming and outgoing data." Applicant further argues that the AAPA teaches away from the claimed invention by not detecting whether incoming bits indicate a synchronization field *during* the buffering of the bits. The AAPA only teaches detecting synchronization field *after* the buffering.

However, as pointed out in the Final Office Action, the examiner relies on the AAPA for the teaching of buffering bits to accommodate a difference in rates between incoming and outgoing data. See page 1, lines 12-15 of the instant application. It is noted that the AAPA teaches away from the claimed invention by not detecting whether incoming bits indicate a synchronization field *during* the buffering of the bits. The AAPA only teaches detecting synchronization field *after* the buffering. See page 1, line 16 to page 2, line 3 of the instant application. However, as further discussed by the AAPA (page 2, lines 4-10 of the instant application), such teaching of synchronization field detection after buffering will

introduce delay and thus, degrading system performance. Therefore, there is a need for avoiding this delay.

Lang, in the same field of endeavor, teaches avoiding the delay caused by synchronization field detection by detecting the synchronization field while buffering the continuous stream of digital data. (Lang, figure 3; column 1, lines 50-63 and column 2, line 10 to column 3, line 10). Thus, the delay problem of the AAPA could be fixed if using the teaching of Lang. That is why reference Lang is introduced for the 103 rejections.

Based on the above rationale, it is believed that the claimed limitations are met by the combination of the AAPA and Lang and therefore, the rejections are still maintained.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON N VO whose telephone number is (703) 305-4885. The examiner can normally be reached on 8:30AM-5:00PM, Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOHAMMAD GHAYOUR can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2631

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DON N VO
Primary Examiner
Art Unit 2631